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PATENT
Attorney Docket No. 440191/MATHISEN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RICHARD GUY GUTMAN et al.

Application No. 09/462,765

Art Unit: 1723

Filed: June 2, 2000

Examiner: Matthew O. Savage

For: FILTER ASSEMBLY

RESPONSE TO OFFICE ACTION

RECEIVED
FEB 12 2003
TC 1700

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated August 8, 2002, please consider the following remarks.

REMARKS

Claim 6 was rejected under the first and second paragraphs of 35 USC §112. These objections are respectfully traversed. According to Section 608.01 (u) of the MPEP, use of trademarks in patent applications is permissible if the trademarks have definitive meanings. It is respectfully contended that both FLUORODYNE and SUPOR are trademarks with definitive meanings within the art.

Both of these trademarks have been registered for over a decade and have been used extensively in the commercial literature. For example, the prior art cited against independent claim 1 includes a Pall Selection Guide which was copyrighted in 1989 and which identifies FLUORODYNE filter elements as including a PVDF membrane. SUPOR membranes are equally as well known to include a polyethersulfone membrane. Accordingly, it is respectfully contended that subject matter identified by the trademarks FLUORODYNE and SUPOR is described in the specification in such a way as to enable one skilled in the art to make and use the invention defined by claim 6, and that the use of these trademarks in claim 6 particularly points out and distinctly claims the subject matter which Applicants regard as the invention defined by claim 6.

The sole independent claim, i.e., independent claim 1, was rejected under 35 USC 103(a) as being unpatentable over Pall U.S. Patent No. 4,361,483 in view of the Filter Reference Guide